Court No2

Writ Petition No.587(M/B) of 2002
Miss L.Lakshmi …… Petitioner
Versus
State of Uttaranchal and others …… Respondents

Hon.P.C.Verma, J.
Hon. Irshad Hussain, J.

Heard Sri M.C.Pandey, learned counsel for the petitioner, Sri U.K.Uniyal, learned counsel for the I.I.T., Roorkee and Sri G.S.Bist, Sernior Standing Counsel, Government of India.

The petitioner has filed this writ petition seeking a writ of mandamus commanding the respondents to grant her admission in M.Arch or MURP course. Petitioner submitted her form and append in the pre-admission Test. She qualified the same. The admission to the aforesaid P.G. course was regulated by the information and conditions contained in Brochure published in IIT, Roorkee. The essential requirement is given in the Brochure for the regular candidates, which reads as under:

> "Candidates who posses the qualification as giben in Table-1,2 and 3 are eligible for admission to post graduate programmes. Candidates of General category seeking admission to the PG Programme must have altleast 60% marks or 6.5 CGPA on a 10 point scale at qualifying degree level. For SC/ST category candadidates, this percentage is 55% or 6.25 CGPA on a 10 point scale. The percentage of marks will be considered aggregate awarded in qualifying degree examination.
>
> The SC/ST category candidates must submit at the time of counseling the requisite certificate from a competent authority as given in Annexure-2.
>
> These essential eligibility requirements are also applicable to all the four categories of candidates, viz: regular, full-time sponsored, part-time sponsored or foreign candidates. Other conditions for these four categories are as follows:
> **A. Regular Candidates**
>
> (a) Final year students of relevant under graduate programmes who have completed the requirements of qualifying examinations can also apply. Such candidates will be required to submit a certificate as per

the perfoma given in Annexure 3 at the time of counseling.. in case of non availability of the marks of final examination at the time of the entrance examination due to delay in the announcement of their results, candidates may be allowed to appear in the examination on the basis of their results upto **pre- final year** in which the **percentage should not be less than as specified above under essential requirements. However, they will be required to produce proof of having passed the qualifying examinations with the required percentage at the time of counseling failing which admission will not be offered.** No relaxation, whatsoever, shall be allowed on this account."

The last counseling was over on on 4th of July, 2002 and the petitioner passed her degree course in September 2002. Obviously, she could not produce her mark-sheet/proof of having passed the qualifying examination at the time of counseling. The condition 'A' specifically provides that on failing of producing proof of having passed the qualifying examination, admission will not be offered. No relaxation whatsoever shall be allowed on this account. This part of the condition is underlined in the quoted portion above. The clause of condition is mandatory in nature as it itself provides for the consequences in case of failure in fulfilling the condition. Therefore, for non compliance of the mandatory condition, the candidature of the petitioner was rightly rejected. As such we are not inclined to grant relief to the petitioner a prayed.

The petition is accordingly dismissed.

(Irshad Hussain, J.) **(P.C.Verma, J.)**

Dt.08.10.2002
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